

2

1 Tamie L. Cummins, Esq., SBN 254687
BORTON PETRINI, LLP
2 201 Needham Street
Modesto, California 95354
3 Tel: (209) 576-1701
Fax: (209) 527-9753
4 tcummins@bortonpetrini.com

5 Attorneys for Debtor

7 UNITED STATES BANKRUPTCY COURT

8 EASTERN DISTRICT OF CALIFORNIA – MODESTO DIVISION

9 In re:

10 DURLABH DAHYA GANDHI,
11 Debtor.

Case No: 16-90910
DC No: TLC-2

Chapter 13

Date: April 17, 2018
Time: 10:00 a.m.
Place: 1200 I Street, Ste. 4, Modesto, CA

14 DEBTOR'S MOTION TO CONFIRM FIRST MODIFIED CHAPTER 13 PLAN

15 Durlabh Dahya Gandhi ("Debtor") hereby moves to modify his Plan on the following grounds:

- 17 1. The Third Amended Plan, filed on or about February 20, 2017, provides that I shall
18 pay the Trustee a total of \$5,164.00 through month 3. Beginning in month 4, I shall
19 pay the Trustee \$558.00 per month in months 4-60 and that Class 7 General
20 Unsecured Creditors with timely filed claims will receive a 100% dividend through
21 the plan.
- 22 2. Since filing, Trustee has issued the Notice of Filed Claims in debtor's case. Debtor's
23 real property taxes came in higher than originally listed and therefore the plan needs to
24 be modified to provide for the entire claim. Debtor had also listed the Internal
25 Revenue Service as a Class 5 Priority Claim; however the Internal Revenue Service
26 has filed its claim as a Class 7 Non-Priority General Unsecured Claim.
- 27 3. As the debtor's income is limited, debtor's son, Erik Gandhi has agreed to gift the
28 debtor \$416.00 per month to help the debtor with the increased plan payment.

- 1 4. A true and correct copy of debtor's Amended Schedule I is located in the List of
2 Exhibits as Exhibit "A".
- 3 5. In consideration of the foregoing, Debtor proposes the following changes to his Plan:
4 Debtor shall pay the Trustee a total of \$13,392.00 through month 17. Then beginning
5 in month 18, I shall pay the Trustee \$974.00 per month in months 18-60. A true and
6 correct copy of the Plan is filed concurrently herewith in the List of Exhibits as
7 Exhibit "A".
- 8 6. Changing the plan will not affect the Plan's feasibility and will continue to pay 100%
9 to all timely filed unsecured claims.

11 Dated: 3/5/18

Respectfully submitted,
BORTON PETRINI, LLP

/s/

Tamie L. Cummins, Attorney for Debtor
Durlabh Dahya Gandhi